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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,752	04/17/2001	James D. Bennett	P93-00-AC	8896

7590 06/25/2004
James Buch
Engate Incorporated
1302 E. Forest Avenue
Wheaton, IL 60187

EXAMINER

KNEPPER, DAVID D

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 06/25/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,752

Applicant(s)

BENNET ET AL

Examiner

David D. Knepper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's correspondence filed on 29 March 2004 (paper #12) has been received and considered. Claim 11 is pending. Claims 1-10 have been canceled.

The rejection below is repeated from that of paper #11 mailed 24 September 2004.

Priority Claims

2. The applicant(s) should check their filing receipts and/or the Patent Application Information Retrieval (PAIR) system for the acknowledgment of their **domestic** priority or benefit claims (if any) under 35 USC 119(e), 120 or 121 (37 CFR 1.78).

Claims

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. § 103 as being unpatentable over Stentiford (5,384,701).

Claim 11 is taught or suggested by Stentiford's figure 1:

“receiving into a transcription system, in real-time, representations of words spoken in a first language, during a testimonial proceeding” (his speech input 3 and also alternative input: text in first language 5);

“converting, in real-time, said representations to text” (his speech recognition 4 – see also col. 7, line 41 where speech-to-text);

“translating...the text in the first language to text in a second language (taught by his translating phrases from a first language into a second language, col. 1, lines 52-53 and his); and

“communicating the text in the second language to a terminal for real-time display” (suggested by his alternative text output in second language 12, fig. 1 – since he also teaches audible output via speech synthesis as an alternative, it is considered inherent with his inclusion of a standard computer such as the IBM PC XT (col. 2, line 40) that the text output would be a visual display of said text – he teaches the use of first and second terminals to provide two way communication in column 6, lines 41-53).

It is noted that Stentiford does not explicitly teach that his translation system is operating “during a testimonial proceeding”. However, he clearly recognizes the usefulness of translation systems as an aid for professional translations... and as a needed improvement for ‘real-time’ speech operation (col. 1, lines 33-50). This background and summary indicates that it he desires his language translation system to be used for professional applications requiring real-time operation. Thus, it would be obvious to use his device in any situation requiring a professional translation in real-time to include a “testimonial proceeding.”

Remarks

5. The applicants' arguments are not persuasive because they are directed to details not contained in the claim. The applicant argues, for example, that in the system of Stentiford, a review is necessary and would cause an unacceptable amount of additional time. To the contrary, applicant's invention requires constant input by a person but Stentiford only requires confirmation of each phrase. Therefore, the time requirements for input by a user in the applicant's system would cause a delay for each sound or input word that a person must type, while the system of Stentiford would only require confirmation of a phrase. A long sentence, for example, could be quickly confirmed by the system of Stentiford, while the applicant's system would require laborious input by a person of each word. In fact, the applicant's system would be likely to fail for the average person, because they may be unable to input words fast enough in real-time unless limited to a short sentence or phrase that a person can remember while inputting it to a computer. Thus, Stentiford's system would be much faster than the applicant's, depending on how many words are contained in each phrase as it is spoken. It is noted that Stentiford allows for speech recognition which obviates the user from the need to type any input whatsoever for "converting, in real-time, said representations to text".

It must be noted that the details of how spoken language is input into the device are not claimed by the applicant. It is also noted that the length of text that is to be translated is also not contained in the claim. While it may Stentiford may require a pause to confirm a phrase or sentence, it is clear that Stentiford will translate spoken phrases in real time for immediate display. The claim reads upon his procedure for doing so as noted in the above rejection under 35 USC 103.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **Any response to this action should be mailed to:**

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

TC2600 Fax Center
(703) 872-9315

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "David D. Knepper", with a stylized flourish at the end.

David D. Knepper

Primary Examiner

Art Unit 2654

June 22, 2004